

Point & Suspension System For Natural Resource Violations

South Carolina law has established suspension systems based upon the accumulation of points assessed for convictions of natural resource laws. The Game and Fish Point System addresses violations inland of the saltwater/freshwater dividing line and if suspended under this system, a person cannot hunt, fish, gather, trap, land, or pursue game, fish, crustaceans, or shellfish in the State (including coastal waters out to the three mile limit). The Coastal Fisheries Point System addresses violations within the coastal waters of the State. The point categories for assessments are recreational and commercial. Points are assessed according to the appropriate category. Upon accumulation of 18 or more points in the recreational or commercial categories, a persons privileges to fish, gather, land, attempt to take, or possess fish, shellfish, or crustaceans within the coastal waters for the purposes of the affected category, either recreational or commercial, will be suspended. Suspensions under the Coastal Fisheries Point System do not affect inland freshwater fishing privileges except for shad, herring, and sturgeon which are regulated by coastal laws inland of the saltwater/freshwater dividing line.

Each time a person is convicted of a violation listed in the point systems, the Department must assess the points against the person's record. Half of the points on record are reduced for each full year in which the person receives no points. The Department of Natural Resources must suspend the privileges of any person who has accumulated eighteen (18) or more points.

In addition to these point suspensions, South Carolina law also mandates many suspensions for convictions of specific violations of the law. These suspensions are called "statutory suspensions". See Table C for some specific examples of statutory suspensions.

Note:

- *A violation of natural resources law while under suspension may result in additional suspensions of one year to five years.*
- *The purchase or procurement of a license, permit, stamp, or tag allowing suspended privileges while under suspension is a fraudulent purchase and is a misdemeanor punishable by a fine of up to \$1,025.00 and an additional one year suspension of hunting and fishing privileges.*
- *Failure to pay fines, restitutions, may result in suspension of privileges.*

Table A: Game & Fish

1. Resisting arrest by force, violence, or weapons against the person of any law enforcement officer enforcing natural resource laws	18
2. Attempting escape after arrest	14
3. Hunting or fishing in a state sanctuary	14
4. Hunting, fishing, or trapping out of season	10
5. Selling game or game fish	14
6. Using a borrowed or altered hunting or fishing license, permit, stamp, or tag	10
7. Taking more than the legal limit of game or fish	8
8. Hunting or fishing without a proper license, permit, stamp, or tag	6
9. Trespassing to hunt, fish, or trap	10
10. Violation of WMA regulations (including private land regulations in game zones 1,2, and 4	8
11. Unlawful hunting, taking, possessing, or selling alligators	14
12. Killing or attempting to kill or molest deer from a motorboat	14
13. Night hunting deer or bear	18
14. Unlawful transportation of furs or hides and possession of untaged hides	10
15. Trapping quail or turkeys	10
16. Unlawful hunting over bait	8
17. Unlawful killing or possession of antlerless deer	14
18. Unlawful night hunting other game, except deer or bear, or hunting during prohibited or after hours	8
19. Unlawful possession of buckshot	5
20. Hunting migratory birds with an unplugged gun	4
21. Killing or possession of wild turkey during the closed season	18
22. Killing or possession of a hen turkey during the spring gobbler season	14
23. Roost shooting turkey between one-half hour after sunset to one-half hour before sunrise	18
24. Shooting (taking or killing) turkey over bait	18
25. Hunting turkey over bait (no game taken)	10
26. Trespassing to hunt waterfowl	18
27. Hunting waterfowl over bait	10
28. Shooting (taking or killing) waterfowl over bait	10
29. Hunting waterfowl out of season	15
30. Taking or possession of more than one waterfowl over the legal limit	15
31. Unlawful possession, taking, or attempting to take raccoons during the season for hunting without firearms	14
32. Trapping, netting, or seining game fish unlawfully	10
33. Taking game or fish in any illegal manner not specifically mentioned elsewhere in the point systems	8

NOTE: Some examples of Item 33 are:

- Taking game while in possession of lead shot while hunting for waterfowl;
- Taking fish with too many devices;
- Killing birds of prey (Hawks, Kites, Vultures, Kestrels, Owls, or Falcons);
- Killing/possession of nongame birds;
- Taking fish while violating specific freshwater nongame fishing laws such as illegal bait on trotlines or set hooks;
- Taking game while jump shooting waterfowl or rails;
- Taking game while violating specific trapping laws such as unlawful traps.

Other less common examples are, but are not limited to, taking game while unlawfully hunting with an electronic call, killing a turkey with a rifle. The application of item 33 is very broad and examples are given for clarification.

Item 33 applies to unlawfully taking game or fish in a way that is not specifically addressed by the Game and Fish Point System.

Reinstatement Fees: After serving a statutory, point system, bench warrant, or court ordered suspension, a person must pay a \$100 reinstatement fee to the Department of Natural Resources. After the mandatory suspension period, and receipt of the reinstatement fee, the department shall reinstate the privilege or license, permit, stamp, tag, or registration.

Failure to pay the reinstatement fee will result in a continuation of the suspension.



Table B: Coastal Fisheries

Saltwater points are assessed in two categories, recreational and commercial. Upon an accumulation of eighteen (18) or more points in a category, the privileges of that category will be suspended for one year. While under suspension for recreational activities, a person found guilty of a commercial violation of this chapter shall have all saltwater privileges suspended for one year. While under suspension for commercial activities, a person found guilty of a recreational violation shall have all saltwater privileges suspended for one year.

1. Failing to keep records or make reports as required by law, permit or regulation. 4
2. Violations of law pertaining to crab size limit or sponge crabs 4
3. Violations of a section of Title 50 pertaining to saltwater fisheries not mentioned specifically in this section. . 6
(NOTE: This point assessment applies to all other convictions that *are not* specifically mentioned herein. Any conviction of a violation of a coastal fisheries law will be assessed a minimum of 6 points).
4. Taking, attempting to take, or possessing fish, shellfish or crustaceans in an unlawful manner, in unlawful or closed areas, during unlawful hours, or during the closed season except trawling violations 8
5. Selling or offering for sale fish, shellfish, crustaceans, or other seafood or marine products without a proper license, permit, stamp, or tag 8
6. Unlawfully buying fish, shellfish, crustaceans or other seafood or marine products without a proper license, permit, stamp or tag. 8
7. Trawling inside the General Trawling Zone other than in restricted areas:
(a) more than one quarter nautical mile during the closed season 10
(b) more than one quarter nautical mile at a time more than ten minutes before daily opening or ten minutes after daily closing times during the open season 10
8. Trawling in a restricted area during the closed season 10
9. Trawling outside the General Trawling Zone:
(a) one hundred yards or less distance from the nearest point of the General Trawling Zone during the open season 10
(b) more than one hundred yards distance from the nearest point of the General Trawling Zone during the open season 18
(c) during the closed season. 18

10. Taking or attempting to take, fish, shellfish or crustaceans for a commercial purpose without a proper license, permit, stamp or tag. 10
11. Captain or crew of a boat failing to cooperate with an enforcement officer. 18
12. Channel netting in an area closed to channel netting or during closed season for channel netting. 18
13. Applying for or obtaining any resident license as provided in this chapter using a falsified application or supporting documentation, or simultaneously possessing any current, valid South Carolina resident license as provided in this chapter while possessing any resident license from another state . . 18

It is unlawful for a person whose commercial privileges are suspended under this chapter to be on board any vessel while the vessel is being utilized to take or attempt to take saltwater fish for commercial purposes

Point System Suspensions and Appeals

Point system suspensions begin eleven (11) days after notice to the individual. A person who has been notified of a suspension may appeal the suspension to the Administrative Law Division. The request for appeals must be in writing and postmarked within ten (10) days of notification of the suspension. The appeal is limited to the validity of the points assessed and the identity of the violator. The Administrative Law Division cannot override a conviction and cannot allow a reduction of points unless the points are in error. To appeal a point suspension, write the S.C. Department of Natural Resources, Records and Intelligence Section, Law Enforcement Division, P.O. Box 167, Columbia, S.C., 29202 or call (803) 734-4002.

Table C: Statutory Suspensions

Many laws pertaining to natural resources and boating contain mandatory suspensions based upon convictions. These suspensions start upon conviction and run for specified times according to law. These suspensions will affect privileges and may affect licenses, permits, stamps, tags or

registrations. Examples of violations for which suspensions are mandated include, but are not limited to:

- A. Impeding the right to hunt, fish, or trap. 1 year;
- B. Conspiracy to violate natural resource laws. 1 year;
- C. Obtaining a license, permit, stamp, or tag by fraud. 1 year;
- D. Altering, post dating, borrowing, or lending a license, permit, stamp, or tag. 1 year;
- E. Criminal negligent use of a firearm 1 to 5 years;
- F. Boating under the influence. 1 to 5 years;
- G. Trawling violations. 1 year;
- H. Reckless operation of a watercraft 6 months;
- I. Killing a Bald Eagle 5 years;
- J. Failure to pay fines or restitution, suspended until payment is received
- K. Third (3) offense negligent operation of a watercraft. . . 6 months;
- L. Unlawful road hunting 1 year;
- M. Bear violations 3 years;
- N. Unlawfully taking/possessing a wild turkey. 1 year.

The above listed violations are examples of statutory suspensions. Many more statutory suspensions exist with time periods ranging from 10 days to ten years for certain violations and certain privileges.

Suspension Violations

Violation of suspension can add an additional three (3) to five (5) years to the original suspension date. In addition, some suspension violations require mandatory jail terms and may affect the right to own or be in possession of a firearm. Persons whose privileges are suspended are not eligible to hold license, permits, stamps, or tags. Purchase or procurement of licenses, permits, stamps, or tags while under suspension is a fraudulent purchase and is punishable by a fine up to \$1,025.00 and an additional one year suspension. To find out more information on suspensions, contact the S.C. Department of Natural Resources, Records and Intelligence Section, Law Enforcement Division, P.O. Box 167, Columbia, S.C. 29202 or call (803) 734-3640 or (803) 734-4048.

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